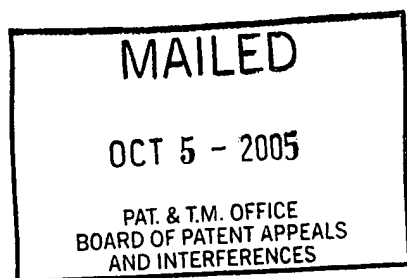




# UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231



Filed by: Judge Richard E. Schafer  
Telephone: 571-272-9797  
Facsimile: 571-273-0042

Applicants: NI  
Application No.: 10/005,842  
Filed: 12/07/01  
For: Death domain containing receptor 5

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,381.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/ss/ Richard E. Schafer  
RICHARD E. SCHAFFER  
Administrative Patent Judge

## INTERFERENCE DIGEST

Interference No. 105,381

Paper No.

Name: Jian Ni et al.

Serial No.: 10/005,842

Patent No.

Title: Death domain containing receptor 5

Filed: 12/07/01

Interference with Rauch et al.

### DECISION ON MOTIONS

Administrative Patent Judge, \_\_\_\_\_ Dated, \_\_\_\_\_

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### FINAL DECISION

Board of Patent Appeals and Interferences, \_\_\_\_\_ Dated, \_\_\_\_\_

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Court, \_\_\_\_\_ Dated, \_\_\_\_\_

### REMARKS

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This should be placed in each application or patent involved in interference in addition to the interference letters.

Filed by: Richard E. Schafer  
Administrative Patent Judge  
Mail Stop Interference  
P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 571-272-9797  
Fax: 571-273-0042

Filed: October 5, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

(Administrative Patent Judge Richard E. Schafer)

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**Human Genome Sciences, Inc.,**  
Junior Party  
(Application 10/005,842-IFW)  
Inventors: Jian Ni, Reiner L. Gentz,  
Guo-Liang Yu and Craig A. Rosen),

v.

**Immunex Corp.,**  
Senior Party  
(Patent 6,642,358)  
Inventors: Charles Rauch and Henning Walczak).

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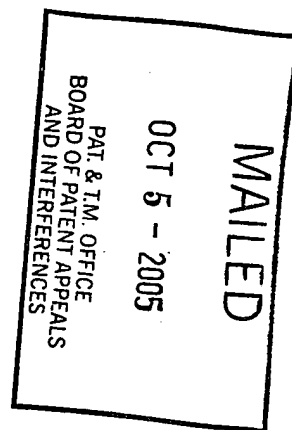
Patent Interference No. 105,381 (RES)

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**DECLARATION - BD.R. 203(d)**

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.



**Part B. Judge managing the interference**

Administrative Patent Judge Richard E. Schafer has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

**Part C. Standing order**

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION. The STANDING ORDER applies to this interference.

**Part D. Initial conference call**

A telephone conference call to discuss the interference is set for **3:00 p.m. on November 21, 2005** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file. The parties shall be prepared to discuss their proposed motions.

An order setting times for filing substantive motions is being simultaneously entered. Counsel are encouraged to discuss the schedule prior to the conference call to identify any issues relating to scheduling. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

**Part E. Count and claims of the parties**

**Count 1**

Claim 6 of U.S. Patent 6,642,358.

The claims of the parties are:

Human Genome Sciences: 35-72, 75, 83, 92, 99-133, 152-178, 180-203

Immunex: 1-41

The claims of the parties which correspond to Count 1 are:

Human Genome Sciences: 35, 36, 38-45, 47-54, 56-61, 75, 83, 92, 99, 100, 102-109, 111-116, 127-133, 168-178, 180-203

Immunex: 1, 4-6, 8-11, 17-19, 26-28, 34, 37, 38, 40

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Human Genome Sciences: 37, 46, 55, 62-72, 101, 110, 117-126, 152-167

Immunex: 2, 3, 7, 12-16, 20-25, 29-33, 35, 36, 39, 41

**Part F. Identification and order of the parties**

Junior Party

Named inventors: Jian Ni, Reiner L. Gentz, Guo-Liang Yu and Craig A. Rosen  
Application: 10/005,842-IFW (7 December 2001)  
Title: DEATH DOMAIN CONTAINING RECEPTOR 5  
Assignee: **Human Genome Sciences, Inc.**  
Accorded Benefit: 09/042,583 (17 March 1998)

Senior Party

Named Inventors: Charles Rauch and Henning Walczak  
Patent: Patent 6,642,358 (Application 09/578,392; 25 May 2000)  
Title: RECEPTOR THAT BINDS TRAIL  
Assignee: **Immunex Corp.**  
Accorded Benefit: Application 08/883,036 (26 June 1997)

**The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.**

**Part G. Heading to be used on papers**

The heading in SO Form 1 must be used on all papers filed in this interference. See SO

¶ 7.2.1. The administrative patent judge and parties must be indicated as follows:

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge Richard E. Schafer)

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**Human Genome Sciences, Inc.,**  
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**Immunex Corp.,**  
Senior Party  
(Patent 6,642,358  
Inventors: Charles Rauch and Henning Walczak).

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Patent Interference No. 105,381 (RES)

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**Part H. Order form for requesting file copies**

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

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/Richard E. Schafer/  
Administrative Patent Judge

Enc:

Copy U.S. Patent 6,642,358  
Copy of claims of 10/005,842-IFW

Revised September 2004

cc (via overnight delivery):

Attorney for Human Genome Sciences:

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, N.W.  
Washington, DC 20005  
(202)371-2600

Attorney for Immunex:

IMMUNEX CORPORATION  
Law Department  
1201 Amgen Court West  
Seattle, WA 98119  
(206)265-7000